DOCKET NO. D-2003-35

DELAWARE RIVER BASIN COMMISSION

Anthony E. Argiros/Family School
Sewage Treatment Plant Discharge Modification
Town of Hancock, Delaware County, New York

PROCEEDINGS

This is an application submitted by Anthony E. Argiros/Family School on December 9, 2003, for review of a sewage treatment discharge modification project. The project was approved by the New York State Department of Environmental Conservation (NYSDEC) on September 3, 2003, (Sewerage Permit No. 0260762), subject to approval by the Delaware River Basin Commission (DRBC).

The application was reviewed for approval under Section 3.8 of the Delaware River Basin *Compact.* The Delaware County Planning Board has been notified of pending action. A public hearing on this project was held by the DRBC on January 21, 2004.

DESCRIPTION

Purpose.—The purpose of this project is to provide a subsurface discharge system to supplement the existing advanced secondary level treatment plant rather than discharge to Abe Lord Creek upstream from Special Protection Waters. The plant will continue to process a flow of 19,500 gallons per day (gpd).

Location.—The project is located approximately 1,500 feet south of the intersection of State Route 97 and Baudenistle Road in the Town of Hancock, Delaware County, New York. The existing discharge is located approximately 2.8 river miles upstream of the Special Protection Waters designated as Outstanding Basin Waters of the Upper Delaware National Scenic and Recreational River and, the proposed discharge is to an on-site subsurface system.

The project is shown on the "Fishs Eddy, New York" United States Geological Survey (USGS) quad as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	41˚ 54' 35"	75˚ 12' 30"

Area served.—The project will continue to serve only the applicant's school, a secondary-level educational institution operated by the Family Education Plus Corporation, as shown on the location plan submitted by the applicant.

Physical features.—

a. **Design criteria**.— The applicant's existing sewage treatment system has served approximately 150 students and 50 faculty/support staff since opening in 1987. The existing plant includes innovative Bioclere units that are manufactured by AWT Environmental, Inc. and provide pre-aeration, external heat sources and media variation to optimize the two-stage nitrification process. Nitrification is further enhanced by increasing the media placed in the rapid stand filter equalization tank and by including an alkalinity feed line, as needed. The sewage treatment plant (STP) is designed to provide advanced secondary treatment of 19,500 gpd for an equivalent population of 260 people, and it discharges to Abe Lord Creek via a 500-foot long cascading swale that improves oxygenation of the effluent. The proposed discharge modification involves the rerouting of this effluent to a subsurface system that uses conventional four-inch diameter perforated leach lines and will be operated at an application rate of 1.2 gallon/day/sf.

b. **Facilities**.—The original plant consists of four septic tanks and a 1,000 gallon capacity grease trap. This septic system discharges to a newer 21,000 gallon septic tank, one filter chamber, four Bioclere treatment units (two systems operating in parallel mode), a 5,000 gallon filter dosing tank, one rapid sand filter, one filter backwash tank, and cascading aeration outfall. The outfall will be phased-out when the proposed subsurface discharge system is completed.

c. **Other**.—The potable water supply in the project service area is supplied by two on-site wells operated by the Family Education Plus Corporation.

The project facilities are above the 100-year flood zone.

Emergency power is provided by two diesel generators. NYSDEC has also required the applicant to maintain an alarm system and a New York State-certified wastewater treatment plant operator.

Wasted sludge will be hauled off-site by a licensed hauler for deposit at a State-approved facility.

The New York State Pollutant Discharge Elimination System (SPDES) Permit No. NY0260762 was issued by NYSDEC on September 3, 2003. The following average monthly effluent limits are among those listed in the SPDES permit and meet or are more stringent than the effluent requirements of the DRBC.

PARAMETER	LIMIT
Waste Flow	0.0195 mgd
pH (Standard Units)	6.5 to 8.5 at all times
Settleable Solids	0.1 ml/l

The total dissolved solids concentration in the effluent is expected to be less than 500 mg/l.

Cost.—The overall cost of this project is estimated to be $177,000.

FINDINGS

The nearest surface water intake of record for public water supply downstream of the project discharge is operated by the West Bangor Water Company, approximately 133 river miles downstream.

The limits in the SPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The proposed project is designed to produce a discharge meeting the effluent requirements as set forth in the Water Quality Standards of the DRBC.

The project does not conflict with the Comprehensive Plan, and is designed to prevent substantial adverse impact to the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

DECISION

I. The project is approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Approval is subject to all conditions imposed by the NYSDEC.

b. The facility shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the Water Quality Standards of the DRBC.

d. Any relaxation to the water quality-based effluent limitations, which results in a change to the limitations that would permit any or all of them to exceed Commission Water Quality Standards will require the applicant to apply for revision to the docket in accordance with Section 3.8 of the *Compact*.

e. If at any time the receiving treatment plant proves unable to produce an acceptable effluent because of overloading or other reason, no further connections shall be permitted until the deficiency is remedied.

f. Nothing herein shall be construed to exempt the applicant from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

g. Sound practices of excavation, backfill, and reseeding shall be followed to minimize erosion and deposition of sediment in streams.

h. Within 10 days of the date that construction of the project has started, the applicant shall notify the DRBC of the starting date and scheduled completion date.

i. Upon completion of construction of the approved project, the applicant shall submit a statement to the DRBC, signed by the applicant's engineer or other responsible agent, advising the Commission that the construction has been completed in compliance with the approved plans, giving the final construction cost of the approved project, and the date the project is placed into operation.

j. This approval shall expire three years from date below unless prior thereto the applicant has commenced operation of the subject project or has expended substantial funds (in relation to the cost of the project) in reliance upon this approval.

k. The area served by this project is limited to the service area as described above. Any expansion beyond this area is subject to review in accordance with Section 3.8 of the *Compact*.

l. Any requirements imposed by the National Pollutant Discharge Elimination System permitting agency shall supersede the requirements of this approval insofar as they impose more stringent treatment criteria.

m. The applicant shall make wastewater discharge in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property. The applicant shall assume all responsibility for any claims arising from the proposed discharges and shall indemnify and hold harmless the Commission against and from any and all claims made by or on behalf of any person arising from any discharges made by the applicant.

n. The issuance of this docket shall not create any private or proprietary rights in the water of the Basin and the Commission reserves the right to amend, alter or rescind any actions taken hereunder in order to insure proper control, use and management of the water resources of the Basin.

o. Prior to any future residential development at the applicant's property, the applicant shall submit for review and approval by the Executive Director, a Non-Point Source Pollution Control Plan that substantiates the implementation of Best Management Practices for purposes of achieving no significant net increase of non-point source pollutant loading resulting from the project service area.

BY THE COMMISSION

DATED: